

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ERASMO CRUZ, on behalf of himself,
individually, and on behalf of others similarly-
situated,

Plaintiff,

-against-

MERCURY CONSTRUCTION CONCEPTS, INC.,
HANDY ANDY SQUAD, INC., and ANDREW
RUSSAC, an individual,

Defendants.
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17-CV-153 (OTW)

ORDER OF DISMISSAL
WITH PREJUDICE

ONA T. WANG, United States Magistrate Judge:

Upon the joint application of the Plaintiff and the Defendants (ECF 69), by their respective counsel, for entry of an Order of Voluntary Dismissal with Prejudice, upon approving of the parties' negotiated Settlement Agreement and Amendment ("the Settlement"), dated November 1, 2017 and October 18, 2018 respectively, in the above-captioned action pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), and the parties having consented to the entry of this Order; and sufficient cause appearing for the same; after due deliberation; it is

HEREBY ORDERED AS FOLLOWS:

1. The parties' Settlement has been negotiated in good faith and at arm's length by the parties through their respective counsel;
2. The Settlement is approved as a fair and reasonable disposition of Plaintiff's claims brought pursuant to the Fair Labor Standards Act; and

3. Accordingly, this action, and all of the claims asserted therein, is hereby dismissed in its entirety with prejudice. The Court shall retain jurisdiction over this matter to enforce the parties' Settlement Agreement and to enter judgment in the event of Defendants' breach of it in accordance with the agreement's terms.

SO ORDERED.

Dated: New York, New York
October 29, 2018

s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge